

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



MONDAY, MARCH 1, 2010.

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Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, today we begin our legislative session on the first day of a new month. With hearts and minds filled with hope and enthusiasm, we look to You for guidance as we take up and address the legislative and administrative matters which come before us. In these unusual and complex times, inspire us to make decisions and to select options which are reasoned, principled and in accord with Your ways. May we always be faithful in our daily living to our own human and spiritual values, principals and religious beliefs. Teach us to work together and to be open to the insights of all people in our continuing dialogue on the meaning of the common good in contemporary society and culture

Grant Your blessings to the Speaker, the members and employees of this House and their families.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Prayer.

Pledge of
allegiance.

Resolutions.

Resolutions (filed with the Clerk by Mr. Keenan of Salem) celebrating Arts Education Month, were referred, under Rule 85, to the committee on Rules:

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Kafka of Stoughton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Arts Education
Month.

Communications.

Communications

From the Executive Office for Administration and Finance (under Section 64 of Chapter 303 of the Acts of 2008) submitting its report on the progress of expenditures funded through the authorization of said chapter;

From the Executive Office for Administration and Finance (under Section 34 of Chapter 312 of the Acts of 2008) submitting its report on the progress of expenditures funded through the authorization of said chapter;

From the Office of the Commissioner of Banks (under of Section 3B of Chapter 5 of the General Laws) relative to state-chartered banks and credit unions;

From the Department of Elementary and Secondary Education (under Section

Administration and
Finance.

Id.

Commissioner of
Banks.

Elementary and
Secondary

19 of Chapter 321 of the Acts of 2008) relative to the task force on behavioral health and public schools;

From the Office of Health and Human Services (under the provisions of Section 110 of Chapter 58 of the Acts of 2006) submitting its report on the Department of Public Health Community Health Workers Advisory Council;

From the Massachusetts Housing and Shelter Alliance relative to a statewide housing first program;

From Northeastern University (under Chapter 645 of the Acts of 1986) relative to the lease entered into by and between the Commonwealth of Massachusetts and Northeastern University for the University Boathouse;

From the OxyContin and the Herion Commission (under Section 56 of Chapter 302 of the Acts of 2008) submitting its final report;

From the Public Employees Retirement Administration Commission (under Chapter 114 of the Acts of 2000) submitting a cost analysis of the Teacher Recruitment, Retention and Retirement Act;

From the Registry of Deeds Technology Advisory Council (under Section 80 of Chapter 4 of the Acts of 2003) submitting its technological fund spending plan;

From the Department of Transportation (under Section 12 of Chapter 86 and Section 18 of Chapter 233 of the Acts of 2008) transmitting various integration reports containing periodic and substantial completion estimates listing certain dates in relation to projects under the control of said office and the Department of Highways;

From the Department of Transportation (under Section 6 of Chapter 25 of the Acts of 2009) submitting various year end performance reports for said department; and

From the Office of the Trial Court (under Chapter 205 of the Acts of 2008) relative to the further protection of children.

Severally were placed on file.

Education.

Health and Human Service.

Housing and Shelter Alliance.

Northeastern University Boathouse.

OxyContin and Heroin.

Public Employees Retirement Administration.

Registry of Deeds.

Transportation Department,— integration reports.

Transportation Department,— year end reports.

Trial Court,— children.

Annual and Quarterly Reports.

Annual reports

Of the Office of the Commissioner of Banks (under Section 13 of Chapter 167 of the General Laws) submitting several combined reports for the year 2007;

Of the Massachusetts Broadband Institute (under Section 6B(k) of Chapter 40J of the General Laws) submitting its report for the fiscal year 2009;

Of the Office of the Comptroller of the Commonwealth (under Section 12(c) of Chapter 7A of the General Laws) submitting the Commonwealth's Comprehensive Annual Report for the fiscal year 2009;

Of the Department of Corrections (under Section 16 of Chapter 123A of the General Laws) relative to the sexually dangerous persons;

Of the Massachusetts Cultural Council (under Chapter 123 of the Acts of 2006) submitting its annual report for the fiscal year 2009;

Of the Department of Early Education and Care (under Sections 3(g), 10 and 13(d) of Chapter 15D of the General Laws) submitting its annual report for the fiscal year 2010;

Of the Office of Housing and Economic Development (under Section 2B of Chapter 123 of the Acts of 2006) relative to the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program for the year 2010;

Of the Commission on the Status of Grandparents (under Section 69(h) of

Commissioner of Banks.

Broadband Institute.

Comptroller.

Sex offenders.

Massachusetts Cultural Council.

Early Education.

Housing and Economic Development.

Grandparents.

Chapter 3 of the General Laws) submitting its first annual report on the status of grandparents raising grandchildren for the year 2010;

Of the Massachusetts Legal Assistance Corporation (under Section 10 of Chapter 221A of the General Laws) relative the discrimination and evaluation of each program and a summary of the expenditures for such programs for the fiscal year ending June 30, 2009;

Of the Merrimack Valley Regional Transit Authority (under Chapter 161B of the General Laws) submitting its annual report for the fiscal year 2009; and

Of the Department of Telecommunications and Cable (under Section 6 of Chapter 25C of the General Laws) submitting its annual report for the year 2009; and

A quarterly report of the Department of Public Utilities (under Section 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for November, 2009 and February, 2010.

Severally were placed on file.

Legal Assistance Corporation.

Merrimack Valley Transit Authority.

Telecommunication and Cable.

Workforce and Development.

Paper from the Senate.

The Senate Bill relative to the financing of wind energy facilities in the town of Falmouth (Senate, No. 2291, amended by adding the following section:

“SECTION 2. This act shall take effect upon its passage.”) (on Senate, No. 2234), passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Falmouth,—
energy facilities.

Reports of Committees.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 728) of Barry R. Finegold, Frank I. Smizik and others for legislation to require that certain taxicabs be hybrid or alternative fuel vehicles,— and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Hybrid,—
taxicabs.

By Mr. Sánchez of Boston, for the committee on the Public Health, on a petition, a Resolve establishing a special commission on improper needle disposal in public recreation areas (House, No. 2122).

Needle disposal,—
study.

By the same member, for the same committee, on a petition, a Resolve relative to the study on methods to reduce incidents of suicide (House, No. 3827).

Suicide,—
study.

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill to protect patients from breakthrough seizures (House, No. 2024, changed in section 2, lines 17 and 18, by striking out the words “and the signed informed consent of”).

Breakthrough seizures.

By the same member, for the same committee, on a petition, a Bill relative to

Needlestick injury prevention.

needlestick injury prevention in public health facilities and settings (House, No. 2030, changed in section 5, line 14, by striking out the following: “January 4th” and inserting in place thereof the following: “September 1st”).

By the same member, for the same committee, on a petition, a Bill relative to the issuance of public health warnings (House, No. 2042).

Public health warnings.

By the same member, for the same committee, on a petition, a Bill relative to the annual immunization against influenza for children (House, No. 2045, changed in section 1, in line 3, by striking out the figures: “220” and inserting in place thereof the figures: “222”, in lines 6 and 7, by striking out the following: “six (6) months of age to five (5) years of age” and inserting in place thereof the following: “18 years of age”).

Children,—
influenza.

By the same member, for the same committee, on a petition, a Bill relative to the definition of a pharmacy (House, No. 2071).

Pharmacy,—
definition.

By the same member, for the same committee, on a petition, a Bill relative to access to epinephrine in schools (House, No. 2077).

Schools,—
epinephrine.

By the same member, for the same committee, on a petition, a Bill relative to the voluntary closure of long term care facilities (House, No. 2175, changed in line 12 by striking out the sentence contained therein).

Long term care facilities.

By the same member, for the same committee, on a petition, a Bill pertaining to physicians delegating to physician assistants procedures using ionizing radiation (House, No. 2178).

Ionizing radiation,—
procedures.

By the same member, for the same committee, on a petition, a Bill relative to the transporting of deceased persons (House, No. 2180).

Deceased,—
transportation.

By the same member, for the same committee, on a petition, a Bill providing for the information submitted by hospital medical staff (House, No. 3597).

Medical staff,—
information.

By the same member, for the same committee, on a petition, a Bill to eliminate antiquated language in health care requirements (House, No. 3920).

Health care,—
language.

By the same member, for the same committee, on House, No. 2033, a Bill providing educational information about premature infants’ risks and healthcare needs (House, No. 4533).

Premature infants.

By the same member, for the same committee, on House, No. 2047, a Bill including Krabbe Disease in newborn screenings (House, No. 4534).

Newborn screenings.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Sánchez of Boston, for the committee on Public Health, on a petition, a Bill relative to regulating the practice of human body piercing (House, No. 2016)

Body piercing.

By the same member, for the same committee, on a petition, a Bill relative to funeral expenses (House, No. 2169).

Funeral expenses.

By the same member, for the same committee, on a petition, a Bill relative to realistic allowable costs for funerals of indigents (House, No. 2171).

Indigent,—
funeral costs.

By the same member, for the same committee, on House, Nos. 30 and 56, a Bill updating medical examiner law (House, No. 4532).

Medical examiners.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill to amend retirement benefits for certain employees of the

Corrections employees,—
retirement.

Department of Corrections (House, No. 2654).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill to amend the fine for failing to obtain, renew or violating the terms of a license to operate an open air parking lot (House, No. 2006).

Open air
parking lots.

By the same member, for the same committee, on a petition, a Bill relative to the maintenance of private roads, beaches and amenities in municipalities (House, No. 3412).

Private roads.

By the same member, for the same committee, on a petition, a Bill exempting the city of Springfield from certain provisions of the General Laws (House, No. 4316) [Local Approval Received].

Springfield,—
exemptions.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill authorizing the Dukes County Contributory Retirement System to grant certain retirement benefits (House, No. 4174).

Dukes County,—
retirement benefits.

By the same member, for the same committee, on a petition, a Bill expanding the residency preference afforded under the civil service law to candidates for appointment as Brookline police officers to include graduates of Brookline high school (House, No. 4197) [Local Approval Received].

Brookline
police,—
residency.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Medway to continue the employment of Paul L. Trufant (House, No. 4380) [Local Approval Received].

Medway,—
Paul L. Trufant.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

House bills

Relative to special police officers in the town of Greenfield (House, No. 636) [Local Approval Received];

Greenfield

Establishing the Essex County commission on the status of women (House, No. 3410) [Representative Polito of Shrewsbury, of the committee on Ways and Means, dissents];

Essex County.

Exempting non-public safety employees from civil service (House, No. 4198) [Local Approval Received];

Non-safety
employees.

Authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368) [Local Approval Received];

Westport,—
Town Farm.

Authorizing the town of West Boylston to establish a municipal building fund and a municipal building committee (House, No. 4390) [Local Approval Received];

West Boylston.

Relative to exemptions in the Massachusetts Automobile insurance plan (House, No. 4476);

Automobile
insurance.

Establishing a sick leave bank for John “Jack” Bevelaqua, an employee of the Department of Energy Resources (House, No. 4503);

John “Jack”
Bevelaqua.

Providing for the financial stability of the city of Lawrence (House, No. 4516) [Representatives deMacedo of Plymouth and Polito of Shrewsbury, of the

Lawrence.

committee on Ways and Means, dissent]; and

Relative to state trademarks (House, No. 4521);

Trademarks.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (see House, No. 4464) (which originated in the House), in respect to which the Senate had concurred in the adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed bills

Designating a certain walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Senator Walter J. Bovernini Scenic Walkway (see Senate, No. 407); and

Bills
enacted.

Establishing the Sandwich Economic Initiative Corporation (see Senate, No. 2073)

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

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Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next
sitting.

At a quarter after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.